

ORDER RECEIVED FOR FILING
Date 4/14/91
By [Signature]

ORDER RECEIVED FOR FILING
Date 4/14/91
By [Signature]

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to a Petition for Special Exception, a Church in an RC-4 zone; and, pursuant to the Petition for Zoning Variance, variances from Section 1A03.4.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a street setback of 50 ft. in lieu of the required 100 ft. and a rear yard setback of 10 ft. in lieu of the required 50 ft.; Section 409.4 to allow parking with direct access to a travelway; Section 409.6.A.4 to allow 54 spaces in lieu of the required 60 spaces for future expansion; Section 409.8.A.2 to permit a gravel parking surface in lieu of the required durable dustless surface; Section 409.8.A.6 to permit a no striped surface in lieu of the required striped surface, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, by Thomas Pringle, appeared, testified and was represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petitioner were Esther Carter and Reverend John Carter, Jr. Messrs. Jeffrey Long and Lenwood Johnson appeared on behalf of the Baltimore County Office of Planning and Zoning in support of the requested relief. There were no Protestants.

Proffered testimony indicated that the Petitioner is desirous of con-

structing a new church as indicated on Petitioner's Exhibit Nos. 1 and 2 to replace the existing structure located on the southern portion of the property.

Testimony indicated that the Petitioner intends to remove the existing structure as it is approximately 150 years of age, in a dilapidated condition and beyond repair.

Testimony indicated that the Petitioner's services are staggered with the services of the Monkton Methodist/Episcopal Church situated across the street from the Petitioner's Church to avoid traffic congestion.

It is clear that the B.C.Z.R. permits the use proposed in an RC-4 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions, as delineated by Section 502.1, are satisfied by the Petitioner.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Sections 502.1 and 432.4. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 291 Md. 1 432 A2d 1319 (1981).

The proposed use(s) will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the

-2-

property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

The Petitioner has also requested the aforementioned variance relief.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soloy, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

The Office of Planning and Zoning by Jeffrey Long and Lenwood Johnson indicated their support for the Petitioner's request with the exception of Petitioner's parking proposal. Messrs. Long and Johnson indicated, in the spirit of promoting landscaping rationale site layout, that the proposed parking along the southeast side of the subject property should be eliminated. Although this creates the need for a greater variance than the Petitioner originally requested, the Petitioner had no objection to complying with the Planning Office's request.

It is clear from the testimony that if the variances are granted in accordance with the Office of Planning and Zoning's request, such use as

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proposed would not be contrary to the spirit or intent of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances requested by the Petitioner were not granted. However, inasmuch as the original request for parking is being increased as a result of the Planning Office's request, the original variance request relative to parking will be denied and a greater variance in conformance with the Office of Planning and Zoning's request shall be granted.

In consideration of the above, it has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

After reviewing all of the testimony and evidence presented, it appears that the special exception and variance relief should be granted, with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 14th day of June, 1991 that, pursuant to a Petition for Special Exception, permission for a Church in an RC-4 zone is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1A03.4.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a street setback

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PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-372-X17

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Church in an RC-4 zone

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name)	Legal Owner(s): (Type or Print Name)
Signature	Signature
Address	Address
City and State	City and State
Attorney for Petitioner: S. Eric DiNenna, Esquire (Type or Print Name)	1931 Monkton Road Address Phone No.
Signature	Signature
409 Washington Ave., Ste. 600 Address	Monkton, Maryland 21111 City and State
Towson, Maryland 21204 City and State	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Attorney's Telephone No: 296-6820	S. Eric DiNenna, Esquire Name 409 Washington Ave., Ste. 600 Towson, MD 21204-296-6820 Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of March, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of May, 1991, at 9 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

ZCO- No 1

(over)

of 50 ft. in lieu of the required 100 ft. and a rear yard setback of 30 ft. in lieu of the required 50 ft., is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.4 to allow parking with direct access to a travelway is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.6.A.4 to allow 54 spaces in lieu of the required 60 spaces for future expansion is hereby DENIED; and,

IT IS FURTHER ORDERED that a variance from Section 409.6.A.4 to allow 41 spaces in lieu of the required 60 spaces is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from 409.8.A.2 to permit a gravel parking surface in lieu of the required durable dustless surface is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.6 to permit a no striped surface, in lieu of the required striped surface, is hereby GRANTED, in accordance with Petitioner's Exhibit Nos. 1 and 3 subject, however, to the following restrictions which are conditions precedent to the foregoing relief:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall provide a landscape plan to the Office of Current Planning for approval by the Baltimore County Landscape Planner. Once approved, the Petitioner shall submit a copy of the approved plan to the Zoning Commissioner's Office to become a permanent part of the record and file in this matter. All required landscaping may be phased in but shall be completed on or before January 1, 1996.

3. All lighting shall be limited to low level foot and security lighting with the exception of the illumination of the proposed steeple.

JRH:mm
cc: Peoples Counsel

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

ORDER RECEIVED FOR FILING
Date 4/14/91
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

June 19, 1991

S. Eric DiNenna, Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: Petitions for Special Exception and Zoning Variance
Case No. 91-372-XA
The Isaiah Baptist Church of Monkton
Petitioner

Dear Mr. DiNenna:

Enclosed please find the decision rendered on the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

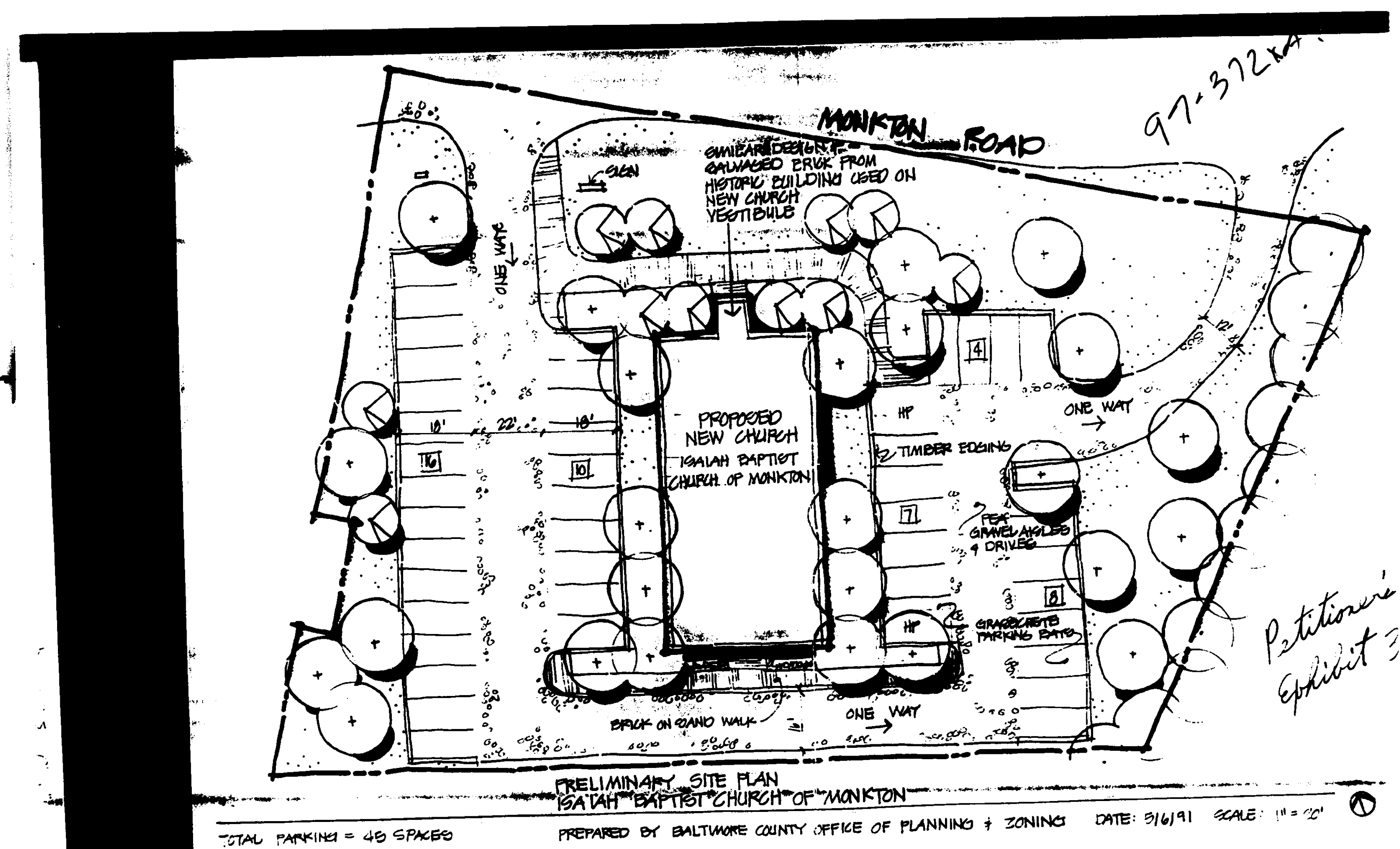
Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mm
att:
cc: Peoples Counsel
cc: Rev. John Carter, Jr.
Esther Carter
Thomas Pringle

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-6-

344



GARFIELD ROAD

TOWER PLUM

EXISTING CHURCH
TO REMAIN

PROPOSED ADDITION
(20' x 20')

PROP. NEW CHURCH
NEVER CONSTRUCTED.
(PROJECT ABANDONED IN
NEW FELLOWSHIP HALL)

91-372-XA

2.332 ACRES
JAMES F. WHITE
BEVERLY A. WHITE
ACCT # 170000 9109
LIBER 5576
FOLIO 148
1942 MONKTON ROAD 121 INT

NEW FELLOWSHIP
HALL (built 1990.)

SITE PLAN SCALE: 1" = 20'

C. 99877 ACRE
E. WARREN HAWKINS & MELINDA A. HAWKINS
LIBER 7408
FOLIO 556
ACCT # 100804 210

EXISTING SIGN
TO BE REMOVED

3.20 ACRES
DOUGLAS N. PIERCE
LIBER 55
FOLIO 147
ACCT # 7000 3842
14 FALLS ROAD

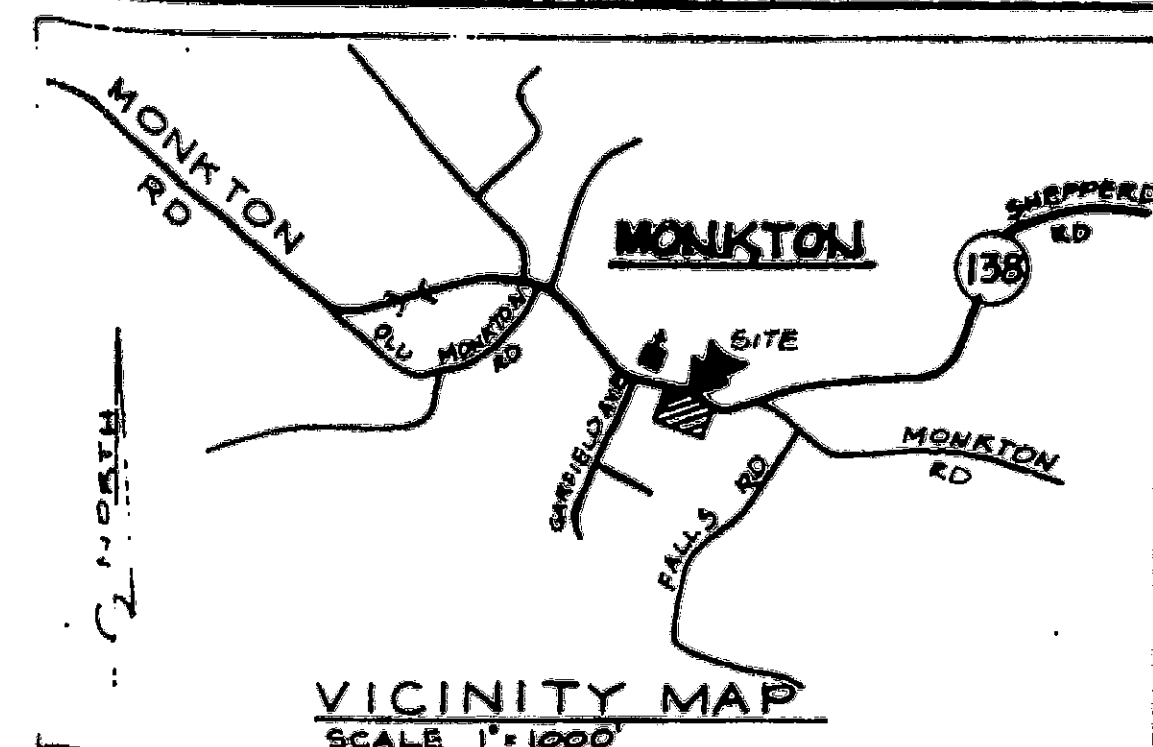
Plan to accompany
spirit & instant
letter.
2.10.99.
NO LEFT FOUND

PETITIONER'S
SUBMIT

NOTES
1. ELECTION DISTRICT - #10
2. COUNTY COUNCIL DISTRICT - #3
3. REGIONAL PLANNING DISTRICT - #305
4. CENSUS TRACT - # 410
5. AREA OF TRACT - 40,719.89 SQ. FT. (0.9346 ACRES)
AREA OF ROAD INSIDE TRACT - 605 SQ. FT.
GROSS AREA - 40,719.89 SQ. FT. (0.9346 ACRES)
NET AREA - 40,114.89 SQ. FT. (0.9246 ACRES)

6. PARKING REQUIRED: 1 SPACE FOR EVERY 4 SEATS
100 SEATS = 100 PARKING REQUIRED = 250 - 40 SPACES
7. FUTURE PARKING SPACES - 14 ADDITIONAL
FUTURE SEATS TOTAL = 240 PARKING REQUIRED 240 - 60 SPACES
8. FLOOR AREA RATIO
FLOOR AREA = (64' x 44' x 10') = 2796 SQ. FT.
GROSS SITE AREA = 40,720 SQ. FT.
FLOOR AREA RATIO = $\frac{2796}{40720} \times 100 = 6.86\%$
9. PERCENT IMPERVIOUS = $\frac{42,000 \text{ (TYPICAL)} (0.606) \times 100}{40,114.89 \text{ SQ. FT.}} = 10.4\%$
PERCENT IMPERVIOUS = 10.4%

PERCENT IMPERVIOUS = 10.4%



SILBERMAN and ASSOCIATES
Engineers • Surveyors
3527 East Joppa Road
Baltimore, Maryland, 21234
ph. 301-661-5888

PLAN TO ACCOMPANY VARIANCE HEARING
ISAIAH BAPTIST CHURCH OF MONKTON
BALTIMORE COUNTY, MARYLAND
1931 MONKTON ROAD • ELECTION DISTRICT # 10, CENSUS TRACT # 410
CONGRESSIONAL DISTRICT # 9, BALTIMORE COUNTY
PREPARED: ISAIAH BAPTIST CHURCH OF MONKTON • VARIANCE HEARING
DATE: FEB. 7, 1999 OVER: BY: J. L. & M. S.
SCALE: 1" = 20' OVER: BY: J. L. & M. S.

FILE NUMBER
91-372-XA

SHEET 1 of 1
CREATING
1
344
TH 8619.

[illegible]

3.205 ACRES
DOUGLAS W. POOLE
LIBER 8085 FOLIO 447
ACCT. # 1700013842

0.99877 ACRES ±
E. WARREN & MELINDA A. HAWKINS
LIBER 7408 FOLIO 556
ACCT. #1008001210

~~BALTIMORE COUNTY BLDG PERMIT~~
~~APPLICATION / PLANK COVER~~
JUNE 2/1999

THIS PROPERTY IS NOT
IN A FLOOD PLAIN
SEE FIRM COMMUNITY RISK
NUMBER 240010-01503
FLOOD ZONE "C"

NOTES

1. ZONING: "RC-A" (MAP NE 26-A) S57°58'30"E 9.9'
 2. ELECTION DISTRICT: # 10
 3. COUNTY COUNCIL DISTRICT: # 3
 4. REGIONAL PLANNING DISTRICT: #305
 5. CENSUS TRACT: #4101
 6. AREA OF TRACT = 40,719.89 SQ. FT. (.9348 AC.)
AREA OF ROAD INSIDE TRACT = 605 SQ. FT. =
CROSS AREA = 40,719.89 SQ. FT. (.9348 AC.)
NET AREA = 40,114.89 SQ. FT. (.9209 AC.)
 7. WATERSHED: 13
 8. SUBWATERSHED: 4101
 9. SOILS: mbB2 (ENTIRE PROPERTY)
 10. "THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE 1986. THE DEVELOPERS ENGINEER HAS CONFIRMED THAT NO PART OF THE CROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF - SITE DWELLING
11. F.A.R. = 0.06

JOHN BACON
LIBER 70 FOLIO 318

NOTE: THIS PLAN AGREES WITH THE VARIANCE PLAN IN CASE # 91-132-XA
(SEE CASE INFO. THIS SHEET.)

SILVER ENGINEERING INC.
Engineers Planners Surveyors
911 W. 36th Street, Baltimore, MD 21211
Phone: (410) 662-1945 Fax: (410) 662-1122

ISAIAH BAPTIST CHURCH OF MONKTON
1931 MONKTON ROAD
BALTIMORE COUNTY, MARYLAND

Project: ISALAH BAPTIST CHURCH OF MONKTON - VARIANCE HEARING

Date: JULY 19, 1996

RECEIVED 6/8/9

SHEET 1 OF

DRAWING

4.

1

1

• **Chlorine** is used in the production of many chemicals, including PVC, and is also used in water treatment.

C:\VAC\TMP

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-372-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A03.4.A.4 to allow a street setback of 50 feet in lieu of the required 100 feet and a rear yard setback of 30 feet in lieu of the required 50 feet;

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

1. Shape and size of property;
2. Old established church that desperately needs reconstruction and expansion;
3. Other reasons of hardship and difficulty to be presented at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I We do solemnly declare and affirm, under the penalties of perjury, that I we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser: Legal Owner(s):
(Type or Print Name) The Isaiah Baptist Church of Monkton
Signature: (Type or Print Name)
Address: (Type or Print Name)
City and State: (Type or Print Name)
Attorney for Petitioner: S. Eric DiNenna, Esquire
(Type or Print Name)
Signature: (Type or Print Name)
Address: 409 Washington Ave., Ste. 600
Towson, Maryland 21204
City and State: Towson, MD 21204
Attorney's Telephone No.: 296-6820

ORDERED By The Zoning Commissioner of Baltimore County, this 27 day of March 1991, that the subject matter of this petition be advertised as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17 day of May 1991, at 9 o'clock a.m.

J. Robert Haines
Zoning Commissioner of Baltimore County
(over) 344

SILBERMANN & ASSOCIATES, INC.

Engineers • Planners • Surveyors

3527 EAST JORPPA ROAD
BALTIMORE, MARYLAND 21234
(301) 661-5888
FAX NO. 661-0728
FEBRUARY 6, 1991

DESCRIPTION OF A PARCEL OF LAND ON THE SOUTHERN SIDE OF MONKTON ROAD IN THE 10TH ELECTION DISTRICT, KNOWN AS THE ISAIAH BAPTIST CHURCH OF MONKTON, BALTIMORE COUNTY, MARYLAND.

BEGINNING AT A QUARTZ STONE PLANTED NEAR THE SOUTH-WESTERLY SIDE OF MONKTON ROAD;
THENCE, ALONG MONKTON ROAD:
(1) N 58°19'20" W 264.00 FT.
(2) S 32°01'30" W 120.39 FT.
(3) S 57°58'30" E 9.9 FT.
(4) S 32°01'30" W 29.7 FT.
(5) N 57°58'30" W 9.9 FT.
(6) S 32°01'30" W 41.25 FT.
(7) S 69°34'00" E 231.82 FT.
TO A GRANITE STONE FOUND,
(8) N 46°10'40" E 150.94 FT.
TO THE PLACE OF BEGINNING.
AS RECORDED IN DEED LIBER 7100, FOLIO 291
CONTAINING 40,719.89 SQ. FT., OR 0.9348 ACRES.
BEING KNOWN AS # 1931 MONKTON ROAD, MONKTON, MARYLAND 21111.

HARVEY SILBERMANN, P.E.
PROFESSIONAL ENGINEER
MARYLAND P.E. # 4240

Harvey Silberman

344

CERTIFICATE OF PUBLICATION

TOWSON, MD. 4/19/91

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on 4/19/91.

TOWSON TIMES.

S. Zafe Orlov

Publisher

\$106.77

CERTIFICATE OF PUBLICATION

TOWSON, MD. 4/19/91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on 4/19/91.

THE JEFFERSONIAN.

S. Zafe Orlov

Publisher

\$106.77

\$156.77

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204 887-3353

DATE: 5/7/91

The Isaiah Baptist Church of Monkton
1931 Monkton Road
Monkton, Maryland 21111

ATTN: THOMAS PRINGLE

RE:
Case Number: 91-372-XA
S/S Monkton Road, 280° SEly of c/l Garfield Avenue
1931 Monkton Road
10th Election District - 3rd Councilmanic
Petitioner(s): The Isaiah Baptist Church of Monkton
HEARING: FRIDAY, MAY 17, 1991 at 9:00 a.m.

Dear Petitioner(s):

Please be advised that \$156.77 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: S. Eric DiNenna, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204 887-3353

April 2, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-372-XA
S/S Monkton Road, 280° SEly of c/l Garfield Avenue
1931 Monkton Road
10th Election District - 3rd Councilmanic
Petitioner(s): The Isaiah Baptist Church of Monkton
HEARING: FRIDAY, MAY 17, 1991 at 9:00 a.m.

Special Exception: For a church in a RC-4 zone.
Variance to allow a street setback of 50 ft. in lieu of the required 100 ft. and a rear yard setback of 30 ft. in lieu of the required 50 ft.; to allow parking with direct access to be a travelway; to allow 54 spaces in lieu of the required 60 spaces for future expansion; to permit a gravel parking surface in lieu of the required durable dustless surface; and to permit a non striped surface in lieu of the required striped surface.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: The Isaiah Baptist Church of Monkton
S. Eric DiNenna, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204 887-3353

May 8, 1991

S. Eric DiNenna, Esquire
409 Washington Avenue, Suite 600
Towson, MD 21204

RE: Item No. 344, Case No. 91-372-XA
Petitioner: The Isaiah Baptist Church
Petition for Special Exception

Dear Mr. DiNenna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer

Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Thomas Pringle
The Isaiah Baptist Church of Monkton
1931 Monkton Road
Monkton, MD 21111

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204 887-3353

Your petition has been received and accepted for filing this 27th day of March, 1991.

J. Robert Haines

ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer

Chairman
Zoning Plans Advisory Committee

Petitioner: The Isaiah Baptist Church, et al
Petitioner's Attorney: S. Eric DiNenna

Mr. J. Robert Haines
Page 2
April 12, 1991

cc: Silberman & Associates w/cmc.
Mr. J. Ogle w/cmc.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: May 7, 1991
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: The Isaiah Baptist Church of Monkton, Item No. 344

In reference to the requested Special Exception and Variance, this office provides the following comments:

The Isaiah Baptist Church is in a National Historic Register District and is listed on the Maryland Historic Inventory (BA2101). Therefore, it contributes to the National Register District; however, the church building appears to have significant structural problems that likely prevent reuse by the applicant. This office suggests that before approval of the CRG plan that the Baltimore County building engineer visit the site to determine the feasibility of restoring the structural integrity of building.

Should the building engineer determine that restoration is not practical, the existing vestibule, due to its historical significance, should be incorporated into the construction of the new church.

The plan accompanying the petition is incomplete and should be revised to include the following:

- existing and proposed landscaping;
- any proposed grading;
- documentation from the applicant or DEPRM that the proposed paving is both porous and/or suitable;
- elevation drawings including an indication of building materials shall be provided to the deputy director of the Office of Planning and Zoning prior to the issuance of any building permits.

The staff has prepared a plan which provides alternative landscaping and parking concepts as an indication of what would be more in keeping with the R.C.4 regulations set forth in Section 1A03.4.B.5.

received
5/8/91

The Isaiah Baptist Church, Item 344
May 7, 1991
Page 2

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM244/ZAC1

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

March 20, 1991

TO: Zoning Commissioner
Office of Planning and Zoning

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #344, Zoning Advisory Committee Meeting of March 26, 1991, The Isaiah Baptist Church of Monkton, S/S Monkton Road, 280' SEly of centerline Garfield Avenue, (#1931 Monkton Rd.) Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.

Soil percolation tests must be conducted.

Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Impact Review at 887-3980.

SSF rmk

Wk

received
3/25

BALTIMORE COUNTY, MARYLAND
Inter-office Correspondence

TO: J. Robert Haines

FROM: Robert C. Merrey, Jr.

DATE: April 1, 1991

SUBJECT: Comments on Zoning Advisory Committee Meeting Item 344

Property Owner: The Isaiah Baptist Church of Monkton

Location: S/S Monkton Road, 280' SEly of centerline Garfield Avenue (#1931 Monkton Road)

Existing Zoning: R.C.-4

Area: .9348 acre

District: Tenth Election District, Third Councilmanic District

This office recommends approval of crusher-run "crushed stone" in lieu of the required durable and dustless surface for the parking area. All crusher-run surfaces are to be treated in accordance with Environment Article 26.11.06.03 D (2) in order to prevent particulate matter from becoming airborne. Treatment and maintenance of this surface is an owner responsibility and will be on a continuing basis as necessary to control airborne particulate.

tk

cc: Zoning Variance File
North Point Government Center

RECEIVED
APR 11 1991
ZONING DIVISION

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

MARCH 26, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

TO: Property Owner: THE ISAIAH BAPTIST CHURCH OF MONKTON

Location: 41031 MONKTON ROAD

Item No.: 344 Zoning Advisory Committee Meeting of March 26, 1991

Comments:

Invariant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

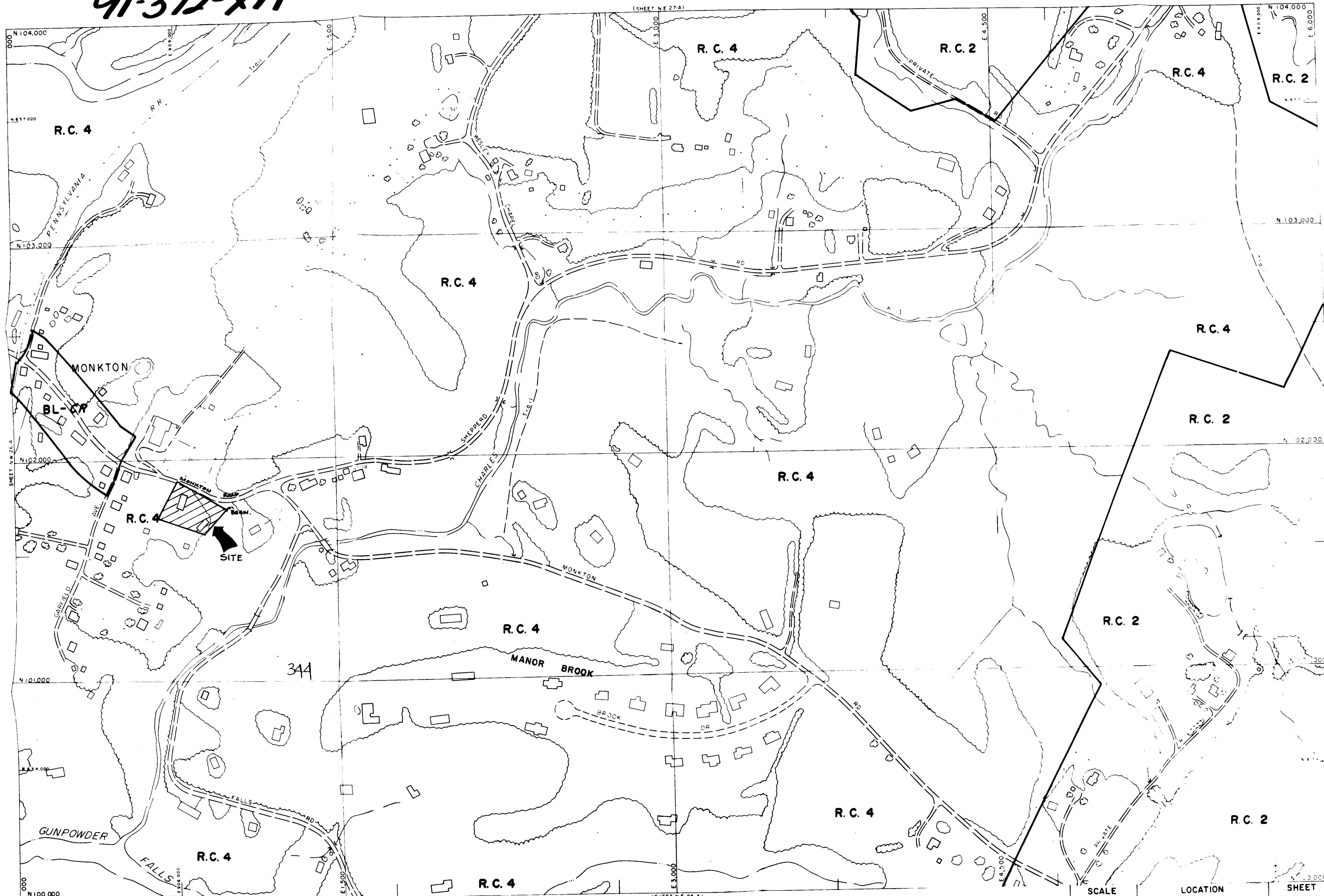
5. The buildings and structures existing on property or the site shall comply with all applicable requirements of the National Fire Protection Association standard for 103 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWED BY: [Signature] DATE: 3/26/91 APPROVED BY: [Signature] DATE: 3/26/91
Special Inspection Division Fire Prevention Bureau

01/113

received
3/27/91

91-372-XA



HH-SE II-SW
DD-NE EE-NW

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
BMC Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

John J. [Signature]
Chairman, County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE
1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

MONKTON

SHEET

NE
26-A

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

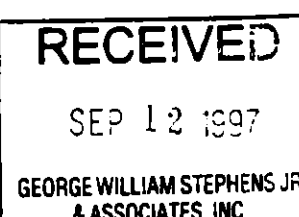
BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT
No. 063779
DATE 9/12/97 ACCOUNT 2116150
AMOUNT \$ 40.00
RECEIVED FROM George W. Stephens, Jr. & Assoc.
FOR zoning verification
Monkton Rd. Isiah Baptist Church
CASHIER'S VALIDATION



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 9, 1997



Mr. Thomas N. Woolfolk, Jr.
George William Stephens, Jr. and Associates, Inc.
658 Kenilworth Drive, Suite 100
Towson, MD 21204

RE: Zoning Verification
1931 Monkton Road
Isiah Baptist Church
Zoning Case 91-372-XA
10th Election District

Dear Mr. Woolfolk:

Your letter to Arnold Jablon dated September 3, 1997 was referred to me for reply. Your request is for a smaller church building in a different location than that in the above mentioned granted zoning hearing, but keeping the approved 30-foot variance setback. As such, this proposed building will be approved as being within the spirit and intent of zoning case 91-372-XA.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

John J. Sullivan, Jr.
Planner II
Zoning Review

JJS:rye

c: zoning case 91-372-XA

Enclosure



property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the S.C.Z.R.

The Petitioner has also requested the aforementioned variance relief.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

The Office of Planning and Zoning by Jeffrey Long and Lenwood Johnson indicated their support for the Petitioner's request with the exception of Petitioner's parking proposal. Messrs. Long and Johnson indicated, in the spirit of promoting landscaping rationale site layout, that the proposed parking along the southeast side of the subject property should be eliminated. Although this creates the need for a greater variance than the Petitioner originally requested, the Petitioner had no objection to complying with the Planning Office's request.

It is clear from the testimony that if the variances are granted in accordance with the Office of Planning and Zoning's request, such use as

proposed would not be contrary to the spirit or intent of the S.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances requested by the Petitioner were not granted. However, inasmuch as the original request for parking is being increased as a result of the Planning Office's request, the original variance request relative to parking will be denied and a greater variance in conformance with the Office of Planning and Zoning's request shall be granted.

In consideration of the above, it has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

After reviewing all of the testimony and evidence presented, it appears that the special exception and variance relief should be granted, with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 12th day of June, 1997 that, pursuant to a Petition for Special Exception, permission for a Church in an RC-4 zone is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1A03.4.A.4 of the Baltimore County Zoning Regulations (S.C.Z.R.) to allow a street setback

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
5/3 Monkton Road, 200' S.S. of the e/2 Garfield Avenue
1931 Monkton Road
10th Election District
3rd Councilmanic District
The Isiah Baptist Church of Monkton
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE # 91-372-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to a Petition for Special Exception, a Church in an RC-4 zone, and, pursuant to the Petition for Zoning Variance, variances from Section 1A03.4.A.4 of the Baltimore County Zoning Regulations (S.C.Z.R.) to allow a street setback of 50 ft. in lieu of the required 100 ft. and a rear yard setback of 30 ft. in lieu of the required 50 ft.; Section 409.4 to allow parking with direct access to a travelway; Section 409.6.A.4 to allow 54 spaces in lieu of the required 60 spaces for future expansion; Section 409.8.A.2 to permit a gravel parking surface in lieu of the required durable dustless surface; Section 409.8.A.6 to permit a no striped surface in lieu of the required striped surface, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, by Thomas Friggle, appeared, testified and was represented by S. Eric DiMenna, Esquire. Also appearing on behalf of the Petitioner were Esther Carter and Reverend John Carter, Jr. Messrs. Jeffrey Long and Lenwood Johnson appeared on behalf of the Baltimore County Office of Planning and Zoning in support of the requested relief. There were no Protestants.

Proffered testimony indicated that the Petitioner is desirous of con-

of 50 ft. in lieu of the required 100 ft. and a rear yard setback of 30 ft. in lieu of the required 50 ft., is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.4 to allow parking with direct access to a travelway is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.6.A.4 to allow 54 spaces in lieu of the required 60 spaces for future expansion is hereby DENIED; and,

IT IS FURTHER ORDERED that a variance from Section 409.6.A.4 to allow 41 spaces in lieu of the required 60 spaces is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from 409.8.A.2 to permit a gravel parking surface in lieu of the required durable dustless surface is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.6 to permit a no striped surface, in lieu of the required striped surface, is hereby GRANTED. In accordance with Petitioner's Exhibit Nos. 1 and 3 subject, however, to the following restrictions which are conditions precedent to the foregoing relief:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall provide a landscape plan to the Office of Current Planning for approval by the Baltimore County Landscape Planner. Once approved, the Petitioner shall submit a copy of the approved plan to the Zoning Commissioner's Office to become a permanent part of the record and file in this matter. All required landscaping may be phased in but shall be completed on or before January 1, 1996.

structing a new church as indicated on Petitioner's Exhibit Nos. 1 and 2 to replace the existing structure located on the southern portion of the property.

Testimony indicated that the Petitioner intends to remove the existing structure as it is approximately 150 years of age, in a dilapidated condition and beyond repair.

Testimony indicated that the Petitioner's services are staggered with the services of the Monkton Methodist/Episcopal Church situated across the street from the Petitioner's Church to avoid traffic congestion.

It is clear that the S.C.Z.R. permits the use proposed in an RC-4 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions, as delineated by Section 502.1, are satisfied by the Petitioner.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the proscribed standards and requirements set forth in Sections 502.1 and 432.4. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Fritz, 291 Md. 1 432 A2d 1319 (1981).

The proposed use(s) will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the

3. All lighting shall be limited to low level foot and security lighting with the exception of the illumination of the proposed atemple.

J. Robert Haines
Zoning Commissioner for
Baltimore County

JRH:mm
cc: Peoples Counsel